

Message Text

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ACTION DLOS-09

INFO OCT-01 IO-13 ISO-00 AF-10 ARA-10 EA-09 EUR-12
NEA-10 USIE-00 ACDA-10 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 EPG-02 COME-00 DODE-00
DOTE-00 EB-07 EPA-04 ERDA-07 FEAEE-00 FMC-02
TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-02 OES-07 OMB-01 PA-02 PM-04 PRS-01
SP-02 SS-15 OIC-02 SSO-00 NSCE-00 INRE-00 /171 W
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 3766

UNCLAS USUN 1669

FROM : LOS DEL

FOR: D/LOS

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: GROUP OF 77 NEW ARTICLE 9

1) FOLLOWING OS PROPOSED GROUP OF 77 NEW AGREED TEXT OF
ARTICLE 9-- (18 MAY 1977):

QUOTE

AGREED TEXT

ARTICLE 9

ACTIVITIES IN THE AREA SHALL BE UNDERTAKEN IN SUCH A MANNER AS TO
FOSTER THE HEALTHY DEVELOPMENT OF THE WORLD ECONOMY AND A
BALANCED GROWTH IN INTERNATIONAL TRADE, TO PROMOTE INTERNATIONAL
CO-OPERATION FOR THE OVERALL DEVELOPMENT OF ALL COUNTRIES,
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ESPECIALLY OF DEVELOPING COUNTRIES, AND TO ENSURE:

1) ORDERLY AND SAFE DEVELOPMENT AND RATIONAL MANAGEMENT OF THE AREA
AND ITS RESOURCES, AS WELL AS THE EFFICIENT CONDUCT OF ACTIVITIES
IN ACCORDANCE WITH GENERALLY ACCEPTED PRINCIPLES OF CONSERVATION,
INCLUDING THE AVOIDANCE OF UNNECESSARY WASTE;

2) EXPANDING OPPORTUNITIES FOR PARTICIPATION IN SUCH ACTIVITIES CONSISTENT WITH ARTICLES 11, 18 AND 23;

3) THE TRANSFER OF REVENUES AND OF TECHNOLOGY TO THE AUTHORITY;

4) THE EQUITABLE SHARING OF FINANCIAL AND OTHER ECONOMIC BENEFITS, TAKING INTO PARTICULAR CONSIDERATION THE INTERESTS AND NEEDS OF THE DEVELOPING COUNTRIES, IN ACCORDANCE WITH ARTICLE 26 AND CONSISTENT WITH ARTICLES 11, 18 AND 23. SUCH SHARING SHALL TAKE INTO ACCOUNT THE RIGHTS OF PEOPLES AND COUNTRIES AS PROVIDED FOR IN THE TRANSITIONAL PROVISION;

5) JUST, STABLE AND REMUNERATIVE PRICES FOR RAW MATERIALS ORIGINATING IN THE AREA WHICH ARE ALSO PRODUCED OUTSIDE THE AREA, AND PROMOTION OF EQUILIBRIUM BETWEEN SUPPLY AND DEMAND;

6) SECURITY OF SUPPLIES TO CONSUMERS OF RAW MATERIALS ORIGINATING IN THE AREA WHICH ARE ALSO PRODUCED OUTSIDE THE AREA;

7) PROTECTION OF DEVELOPING COUNTRIES FROM ANY ADVERSE AFFECTS ON THEIR ECONOMIES OR ON THEIR EARNINGS RESULTING FROM A REDUCTION IN THE PRICE OF AN AFFECTED MINERAL OR IN THE VOLUME OF THAT MINERAL EXPORTED, TO THE EXTENT THAT THEY ARE CAUSED BY ACTIVITIES IN THE AREA, THROUGH THE MEASURES SPECIFIED BELOW:

(I) FACILITATING, THROUGH EXISITING FORUMS OR SUCH NEW ARRANGEMENTS OR AGREEMENTS AS MAY BE APPROPRIATE AND IN WHICH ALL INTERESTED PARTIES PARTICIPATE, MEASURES NECESSARY TO ACHIEVE THE GROWTH, UNCLASSIFIED

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EFFICIENCY AND STABILITY OF MARKETS FOR THOSE CLASSES OF COMMODITIES PRODUCED FROM THE AREA, AT PRICES REMUNERATIVE TO PRODUCERS AND FAIR TO CONSUMERS. ALL PARTIES SHALL CO-OPERATE TO THIS END. THE AUTHORITY SHALL HAVE THE RIGHT TO PARTICIPATE IN ANY COMMODITY CONFERENCE DEALING WITH THE CATEGORIES OF MINERALS PRODUCED IN THE AREA. THE AUTHORITY SHALL HAVE THE RIGHT TO BECOME A PARTY TO ANY SUCH ARRANGEMENT OR AGREEMENT RESULTING FROM SUCH CONFERENCES AS ARE REFERRED TO ABOVE. THE PARTICIPATION BY THE AUTHORITY IN ANY ORGANS ESTABLISHED UNDER THE ARRANGEMENTS OR AGREEMENTS REFERRED TO ABOVE SHALL BE IN RESPECT OF THE PRODUCTION IN THE AREA AND IN ACCORDANCE WITH THE RULES OF PROCEDURE ESTABLISHED FOR SUCH ORGANS. IN CARRYING OUT THE DECISIONS TAKEN BY SUCH ORGANS, THE AUTHORITY SHALL ASSURE THE UNIFORM AND NON-DISCRIMINATORY IMPLEMENTATION OF SUCH DECISIONS IN RESPECT OF ALL PRODUCTION IN THE AREA OF THE MINERALS CONCERNED;

(II) (A) THE AUTHORITY SHALL, IN ORDER TO REGULATE TOTAL PRODUCTION OF EACH MINERAL FROM THE AREA, ENSURE THAT THE ANNUAL PRODUCTION FROM THE AREA OF THOSE MINERALS IN A SINGLE YEAR SHALL NOT EXCEED

ONE HALF OF THE AVERAGE ANNUAL INCREASE IN WORLD CONSUMPTION OF THE MINERAL CONCERNED DURING THE PRECEDING 10 YEARS FOR WHICH THE MOST RECENT DATA ON CONSUMPTION ARE AVAILABLE, PROVIDED, HOWEVER, THAT IN ORDER TO REGULATE TOTAL PRODUCTION OF MINERALS FROM NODULES IN THE AREA, THE AUTHORITY SHALL LIMIT THE RATE OF RECOVERY OF NODULES SO AS TO ENSURE THAT THE ANNUAL PRODUCTION OF NICKEL METAL FROM THE AREA IN A SINGLE YEAR SHALL NOT EXCEED ONE HALF OF THE AVERAGE ANNUAL INCREASE IN CONSUMPTION OF NICKEL DURING THE PRECEDING 10 YEARS;

(B) REGULATORY MEASURES TAKEN PURSUANT TO SUB-PARAGRAPH (A) SHALL BE WAIVED OR MODIFIED IF THE SUPPLY IS NOT IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH 5;

(III) THE AUTHORITY SHALL ESTABLISH A SYSTEM FOR COMPENSATING DEVELOPING COUNTRIES FOR SHORT-FALLS FROM A REFERENCE LEVEL TO BE DETERMINED BY THE ECONOMIC PLANNING COMMISSION, IN THEIR EXPORT

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EARNINGS FROM MINERALS WHICH ARE ALSO PRODUCED IN THE AREA OR OTHERWISE AFFECTED BY SUCH PRODUCTION, WHEREBY DEVELOPED CONSUMING COUNTRIES, AS WELL AS PERSONS NATURAL OR JURIDICAL OF THE NATIONALITY OF SUCH COUNTRIES THAT HAVE ENTERED INTO CONTRACTS FOR EXPLORATION AND EXPLOITATION OF THE AREA, SHALL CONTRIBUTE THE FUNDS NECESSARY FOR EFFECTIVE DIVERSIFICATION OF THE ECONOMIES OF THE DEVELOPING COUNTRIES CONCERNED.

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